

Warwick | Law School

# ANNUAL RESEARCH REPORT

(July 2009 – June 2010)

THE UNIVERSITY OF  
WARWICK

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# 1. Introduction

The annual research report offers an opportunity both to celebrate the achievements of the past year and to lay the foundations for future research collaborations by highlighting the projects that different members of the Law School are working on.

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In April 2010 a book launch was held to celebrate the publication of a number of books by members of the Law School in the preceding six months: John McEldowney and S. McEldowney's *Environmental Law* (Longman, 2010); Alan Norrie's *Dialectic and Difference: Dialectical Critical Realism and the Grounds of Justice* (Routledge, 2010); Rodrigo Olivares-Caminal's *Legal Aspects of Sovereign Debt Restructuring* (Sweet & Maxwell, 2009); and Andrew Williams' *The Ethos of Europe: Values, Law and Justice in the EU* (Cambridge University Press, 2010); together with two edited collections, Abdul Paliwala (ed.) *A History of Legal Informatics* (University of Zaragoza Press, 2010) and J.R. LaBrosse, R. Olivares-Caminal and D. Singh (eds.) *Financial Crisis Management and Bank Resolution* (Informa-Lloyd's of London Press, 2009).

This year, in addition to reports of conferences, research seminars, visitors, research students, external funding and publications, we include details of a new initiative, the Warwick Research Paper Series (Part 8). This has proved highly successful, both in making previously-published research available to a wider audience (at the time of writing almost 5,000 individuals have downloaded copies of the 114 papers) and in providing an opportunity for individuals to obtain feedback on draft papers in advance of submission for publication elsewhere.

Yet the information contained in this report constitutes only a small part of the research activity of the Law School. Members of the Law School regularly present their work at conferences, workshops and seminars, at events ranging from prestigious international proceedings to meetings of local groups. For example, in November 2009, Hugh Beale delivered the Clarendon Lectures (one of the most prominent public lecture series in law) on the theme 'Mistake and non-disclosure of facts: Models for English Contract Law', while in April 2010 Julio Faundez presented a paper ('State Building or Legal Reform?') at the World Bank's Legal Pluralism and Development Policy Workshop.

Colleagues have also been invited to act as expert witnesses in trials, to give guidance to government agencies (both in the UK and overseas), to comment on consultation documents, and to talk about their research on TV and radio. Such invitations reflect the quality of the research published by members of the Law School. In addition, Dan Priel's essay 'The Scientific Model of Jurisprudence' won a prize competition in a conference held in Girona, Spain.

Members of the Law School have also been successful in obtaining external funding for a range of projects this year, which will provide the basis for future publications. In total, funding of £116,584 was secured.

Many of the initiatives outlined in this report will have benefited from past funding from the Law School's own Legal Research Institute, whether in the form of student assistance with initial research, attending a conference to present a paper or organising a workshop or conference. In these and other ways, the Law School continues to support the multifarious research activities of its members. But perhaps the main support for research is the intellectual environment of the School. It is a telling tribute to the engagement of colleagues and their willingness to engage in debate that the discussions which follow presentations are often longer than the paper itself!

**Rebecca Probert**  
Director of Research

## 2. Conferences & Workshops

Members of the Law School have been involved in organising a number of conferences and workshops, both at Warwick and at other venues.

**7 July 2009**

### **Erasing the Natural Family? Rethinking Adoption**

(Rebecca Probert and Helen Reece)

This one-day conference, co-organised with Helen Reece and held at Birkbeck College in London, brought together experts in adoption from a range of disciplines. It was a response to the case of *W (Children)* [2009] EWCA Civ 59, in which parents challenged previously-made adoption orders. Refusing the parents' application to revoke the adoption orders, the Court of Appeal confirmed that an adoption order could only be set aside in highly exceptional circumstances, because adoption had to be perceived as final.

Professor Judith Masson of the University of Bristol set out the evolution of adoption law, and Julie Selwyn provided valuable contextual information on the characteristics of adopted children. Two sessions were then devoted to the position of the birth parents and social parents respectively. The day closed with a consideration of the alternatives to adoption, and Shaheen Ali provided a fascinating insight into the Islamic view of adoption. This final session attracted the interest of adoption campaigners, and was filmed for the Islam Channel (Sky 813).

The conference attracted 29 delegates, including practitioners from CAFCASS, the British Association for Adoption and Fostering and the Adoption Support Agency, as well as academics from law, family policy, and social work.

**13-16 September 2009**

### **Re-imagining the Shari'a: Theory, Practice and Muslim Pluralism at Play**

(Shaheen Ali)

This high-profile international conference brought cutting-edge scholarship in diverse areas of the Islamic legal tradition to an international audience. The conference, jointly organised by the Universities of Warwick and Copenhagen and funded by these institutions as well as the generous support of the British Academy, was held at

the Palazzo Pesaro-Papafava in Venice.

A total of 72 delegates and the organising team were in attendance. Fifty-two papers were presented over the course of the four days, with six plenary sessions and five parallel workshop sessions. The hallmark of the conference was the rich mix of delegates, who included established scholars of Islamic law as well as the new generation of Islamic legal scholars sharing exciting and challenging new research projects. The conference offered valuable intellectual space for debate and discussion on a range of topics and issues including Islamic concepts of state, diaspora and international law, banking, finance, gender issues and family law, contemporary challenges to classical Shari'a, Islamic law and legal education as well as Islamic jurisprudence, to name a few. All abstracts of papers presented are on the conference website:

<http://www2.warwick.ac.uk/fac/soc/law/events/globalsharia>

The papers are to be published as a special issue of the *Journal of Islamic State Practice in International Law* in its 2010 June and December issues. An edited collection of the papers will be published in June 2011 (Ali, S. Nielsen, J. & Roberson, B. (eds.) *Re-imagining the Shari'a: Theory, Practice and Muslim Pluralism at Play*).

**27 November 2009**

### **The Future of Terrorism Law**

Jackie Hodgson and Victor Tadros

This one-day conference brought together leading practitioners and academics with expertise in terrorism law. Jackie Hodgson and Victor Tadros opened the conference with a paper on 'Defining Terrorism'. Sue Hemming from the CPS then spoke about the investigation and prosecution of terrorism, and Max Hill QC discussed control orders. The rest of the day was devoted to a roundtable discussion led by invited discussants: Sally Ireland (on policing and prosecution discretion), Lucia Zedner (on criminal justice versus other innovations), Frances Webber (on the evaluation of control orders) and Adrian Hunt (on the (in) coherence of the UK's counter-terrorism regime). The event was supported by a grant from the Legal Research Institute and the organisers reported exceptionally positive feedback from participants.

**7-9 April 2010**

**Symposium on Managing Systemic Risk**

(John Raymond LaBrosse, Rodrigo Olivares-Caminal and Dalvinder Singh)

Warwick Law School, in collaboration with Malaysia Deposit Insurance Corporation and Warwick Finance Research Institute, organised a three day symposium titled, Managing Systemic Risk. The principal organisers were John Raymond LaBrosse, Rodrigo Olivares-Caminal and Dalvinder Singh.

The Symposium provided an opportunity to explore some of the key concerns in the debate about systemic risk in financial markets. The speakers presented and discussed topics such as: what is systemic risk, sovereign debt, narrow and complex banking, Islamic banking, cross-border bank and non bank failures, financial crisis containment, individual country case studies reflecting on the performance of the official safety net players, and finally proposals for reform and the way ahead.

Keynote Speakers were: Arnór Sighvatsson, Deputy Governor of Central Bank of Iceland, Dato' Mohd Razif bin Abd. Kadir, Deputy Governor of the Central Bank of Malaysia; Jack Selody, Advisor to the Governor of Central Bank of Canada & Maria Nieto, Advisor to the Governor of Central Bank of Spain & Jean Pierre Sabourin, CEO Malaysia Deposit Insurance Corporation.

Speakers included: Sebastian Schich (OECD), George Kaufman (Loyola, Chicago), Eva Hüpkes (Financial Stability Board), Mitu Gulati (Duke University), Philip Wood (Allen & Overy), Lee Buchheit (Cleary Gottlieb Steen & Hamilton) Rosa M. Lastra (Queen Mary), Robert Bliss (Wake Forest), Arthur E. Wilmarth Jr., (George Washington University), Douglas Arner (HKU), Ioannis Kokkoris (OFT), John McEldowney, Warwick Law School), John Snape, (Warwick Law School), Heidi Schooner (Catholic University), Peter Brierley (Bank of England), Jean Roy (HEC Montreal), Mark Salmon (Warwick Business School), Andreas Jobst (IMF), Dale Gray (IMF), Geoffrey Wood (CASS), Marcus Miller (Warwick Economics Department), Gillian G. H. Garcia (formerly IMF), Thomas Larryea (IMF), Anna Gelpern, (American University) David Walker (Canada Deposit Insurance Corporation), Jens-Hinrich Binder (Albert

Ludwigs Universitaet) Andreas Jobst, (IMF), Wai Keen Lai (Malaysia Deposit Insurance Corporation).

The Symposium attracted delegates from the UK, USA, Columbia, Ecuador, Algeria, South Korea, Nigeria, Vietnam, Canada, Germany, Turkey, Uruguay, Russia, Norway, Thailand, Mexico, India, as well as from the IMF.

The event raised £32,000 from external sponsorship and delegate fees. The conference proceeding will be published by Edward Elgar.

**17 May**

**Intelligence, Evidence and Security**

(Richard Aldrich and Jackie Hodgson)

Speakers at this one-day event, organised by Professor Richard Aldrich of PAIS and Professor Jackie Hodgson, included Michael Herman of Nuffield College Oxford, Gus Hosein of the LSE, and Steve Hewitt of Birmingham University. Papers were also presented by members of the University, including Jackie Hodgson, Richard Aldrich and Antony Field.

# 3. Research Centres

## Centre for Human Rights in Practice

The Centre has been approved by Senate and its constitution is being finalised for approval in June 2010. In the meantime it has been continuing its work in two main directions:

### 1. Student based projects

In collaboration with the Student Law Society Pro Bono Group, the Centre has continued to operate its community projects both within the UK and abroad. In the UK, an *Immigration Project* has seen a partnership established with Coventry Law Centre for a group of 15 students to assist in the provision of immigration advice. The Centre has also supported the work of various students in their *YouthInspire Project* which looks to undertake human rights education in schools. Internationally, the *Death Penalty Project* has continued to operate both with internships in the USA and the establishment of an *Attorney Support Programme*. The latter provides on-going help to US attorneys engaged in death penalty cases.

In addition to these general projects the Centre has also supported individual students with various research projects. The success of such initiatives (some funded by URSS) was recognised at this year's Attorney General Pro Bono Awards, where Natasha Latiff won the Best Individual Student Contribution Award. *YouthInspire* was always commended at those awards.

### 2. Research Projects

The Centre has undertaken several research projects for outside agencies, all of which may figure strongly as evidence of impact should this be relevant in any future REF. In January we were awarded a substantial contract (110,000 euro) to provide a complete update on human rights law for the *EU Fundamental Rights Agency*. This is on track for completion by June 2010.

The Centre has also conducted two projects relating to Human Rights Impact Assessments, providing reviews and advice to both the *Canadian Council for International Cooperation* and the *Scottish Human Rights Commission*. The Centre has also provided support to *Oxfam Novib* in relation

to training on Rights Based Approaches to Development. Two further applications for research funding have been made: the first to the European Parliament for a review of human rights futures in the EU, the second to IAS in relation to an Inter-disciplinary Incubation Award with members of the English, History and Theatre Studies departments.

### 3. Public lectures and workshops

The Centre for Human Rights in Practice also aims to organise public lectures and workshops designed to highlight the role of practice in the realisation of human rights. Many of these take place at the University of Warwick, although members of the Centre also deliver workshops for human rights related organisations around the world.

In January 2010 Joanne Coysh and Andrew Williams, both members of the Centre, facilitated a workshop in the Netherlands for Oxfam Novib. This focused on methods by which law and legal processes could be used by NGOs in the design and delivery of human rights related projects. On 3 March 2010 Carey Johnston QC, a leading criminal law barrister and Warwick graduate, presented a talk on the highly-topical subject of 'Serious Fraud - A Prosecutor's View'. She also acted as one of the judges on the Julia Kerr Prize which was awarded at the same event.

## Centre for Criminal Justice

The Centre for Criminal Justice welcomed Alan Norrie as a new member in September 2009, joining Musa Usman Abubakar, Lee Bridges, Andrew Choo, Andrew Cornford, Rachel Easter, Jackie Hodgson, Roger Leng, Bill O'Brian, Anna Puthuran, Andrew Roberts and Victor Tadros.

Members of the Centre have presented papers at conferences both in the UK and abroad. **Jackie Hodgson** spoke at the Criminal Justice in an Age of Austerity and Change conference in London in March 2010 and presented a paper on the growing dominance of the French prosecutor at an international conference at Washington & Lee University, Lexington, Virginia. **Andrew Roberts** was a visiting lecturer in the Department of Criminal Procedure at Eotvos Lorand University in Budapest in November 2010 and will teach at a summer school on Crime, Law and

Psychology at the Centre for Public Policy in Prague, in July 2010; <http://www.clp.cpvvp.cz/>. **Victor Tadros** spoke at a workshop on the Philosophical Foundations of Criminal Law at Rutgers, New Jersey in September 2009, and on 19 January 2010 gave a paper entitled 'Punitive War' at the Oxford Centre for Ethics, Law and Armed Conflict.

The Centre has been responsible for organising a number of workshops and conferences in the past year. In November 2009 Jackie Hodgson and Victor Tadros organised an-LRI funded workshop on 'The Future of Terrorism Law'.

A one day event on pornography, rape and paternalism was hosted at Warwick on 30 October 2009 as part of the AHRC-funded Criminalization project. The speakers were Andrew Simester, Andrew von Hirsch, Clare McGlynn and Sharon Cowan, and the event was attended by 12 people.

On 10 March 2010, the Criminal Justice Centre sponsored jointly (with the Centre for Crime and Justice Studies, Kings College London and the Centre for Legal Research,

University of West of England) a conference in central London: 'Criminal Justice in an Age of Austerity and Change'. It addressed two main themes: Looking back – 13 years of New Labour's criminal justice policy and philosophy; Looking ahead – the future of criminal justice in an era of public spending cuts. It was attended by 50-75 invited participants with expert knowledge of UK criminal justice policy from practice, policy and academic fields.

As well as Professor Lee Bridges and Professor Jackie Hodgson from Warwick School of Law and Professor John Benington from Warwick Business School, speakers included Professor Ed Cape (UWE); Professor Rod Morgan (Bristol); Professor Andrew Ashworth (Oxford); and Professor Andrew Sanders (Birmingham).

The following day, 11 March 2010, Dr Jeremy Horder, Law Commissioner for England and Wales and a fellow of Worcester College, Oxford gave a public lecture on the topic of 'Crime and Bureaucracy: Have they both gone too far?' at the University of Warwick.

## **Law Social Justice and Global Development: An International Journal of the IDLHR Research Group, School of Law, University of Warwick**

The Journal has published two issues in the past year and is at an advanced stage of publication of two further issues. The two issues published include 13 refereed articles and eight other pieces. A particular innovation in the last issue has been a new book review/discussion format which has included extracts from a book (with permission of the publisher), an introductory article by the author and a number of review pieces on the book. We believe that this is a format particularly suited to the discussion culture of an ejournal. Two forthcoming issues include the publication of a series of article based on a major international research project on Access to Justice in Indonesia and a special feature on Children's Rights. Another innovation this year has been the establishment of a Research Student Editorial Group to supplement the work of the Editors.

# 4. Seminars, Discussion Groups & Visitors

The Law School has held a weekly **Research Seminar Series** at which colleagues and invited outside speakers have presented their research. Organised in the autumn term by John Snape, and in the spring and summer terms by Victor Tadros, the seminars have provided a valuable opportunity for discussion and feedback. Both internal and external speakers have also contributed to the regular **Law Postgraduate Seminar Series**. A further forum for discussion is the interdisciplinary **Law and Philosophy Reading Group**, while the **Visitors Programme** brings scholars from across the globe to play a role in the intellectual life of the Law School.

## 4.1 Research Seminar Series

**23 October 2009:** Maks del Mar, University of Lausanne, Switzerland, 'Beyond Text in Legal Education: Aesthetic Experience, Moral Imagination and Legal Knowledge'

**28 October 2009:** Hugh Beale, School of Law, University of Warwick, 'Mistake and non-disclosure of fact: Models for English contract law'

**4 November 2009:** Oliver Gerstenberg, School of Law, University of Leeds, and Charles Sabel, Columbia Law School (presented by Oliver Gerstenberg): 'Constitutionalising an Overlapping Consensus: The ECJ and the Emergence of a Co-ordinate Constitutional Order'

**11 November 2009:** Alan Neal, School of Law, University of Warwick, 'Labour Law in the PRC'

**18 November 2009:** Linda Mulcahy, Birkbeck College, London, 'The Vulgar and the Sacred: The contribution of architecture to the degradation and humiliation of trial participants'

**25 November 2009:** Mark Rix, University of Wollongong, 'The Drama of Dr Mohamed Haneef and the Theatre of Counter-Terrorism'

**2 December 2009:** Elspeth Guild, Jean Monnet Professor, Radboud University Nijmegen and Partner Kingsley Napley Solicitors: 'Are we really Europeans? UK Legal Approaches to EU Citizenship'

**9 December 2009:** Solange Moutaana, School of Law, University of Warwick: 'Major Obstacles to Successful Gender Crimes Prosecutions'

**20 January 2010:** Octavio Ferraz, School of Law, University of Warwick, 'The Right to Health in the Courts of Brazil: Worsening Health Inequities?'

**3 February 2010:** Charlie Webb (LSE) 'Intention, mistakes and trusts to reverse unjust enrichment'

**10 February 2010:** Dan Priel, School of Law, University of Warwick, 'Political Ideology and the Limits on the Liability of Public Authorities in Negligence'

**24 February 2010:** Janice Dean, School of Law, University of Warwick, 'Company Law and Corporate Cultures in Europe'

**3 March 2010:** Emmanuel Voyiakis (Brunel) 'Contract law and the value of choice'

**17 March 2010:** James Harrison, school of law, University of Warwick 'Reflections on Linkage Debates: A Case Study of Trade and Climate Change'

**13 May 2010:** Lorraine Talbot, School of Law, University of Warwick, 'Shareholder entitlement, primacy and empowerment'

**21 May 2010:** Victor Tadros, School of Law, University of Warwick, 'Harm, Sovereignty and Prohibition'

## 4.2 Law Postgraduate seminar series

**30 November 2009:** June McLaughlin, University of California, Irvine. 'Stock exchanges of East Africa: Regulation and responsibility in the global capital markets'



**30 December 2009:** John Samkubam, Senior compliance manager, HSBC group. 'Market abuse and credit markets'

**20 January 2010:** Dr Rodrigo Olivares-Caminal, University of Warwick. 'International finance: What is next on the agenda after the crisis?'

**1 March 2010:** Dr. Ioannis Kokoris, Principal case officer, Office of Fair Trading, UK. 'The Lessening of competition law policy upon financial crises. The case of Mergers.'

### 4.3 Law and Philosophy Reading Group

Victor Tadros and Andrew Williams organised a reading group on just war theory and the laws of war. The aim was to improve attendees' understanding of the philosophical literature in the area and to discuss its importance for the law. It involved colleagues from law, philosophy and politics and it was attended by around six people each week. The material read and discussed included Jeff McMahan's 'The Laws of War', Gary Bass' 'Jus Post Bellum', Thomas Hurka's 'Proportionality in the Morality of War' and Victor Tadros' 'Punitive War'.

### 4.4. Visitors to the Law School

#### Dr Mari Katayanagi

Political Advisor, Office of High Representative Political Department Government and Parliamentary Section Sarajevo: 15-16 October 2009.

#### Abida Bano

Pakistan: 17 January - 25 February 2010.

#### Dr Johar Ali

Pakistan: 8-22 March 2010.

#### John Raymond LaBrosse

Expert in Financial Regulation and Deposit Insurance, Ottawa, Canada: 7-11 December 2009.

#### Professor Upendra Baxi

Emeritus Professor, University of Warwick & Emeritus Professor of Law, University of Delhi, India: 10-15 May 2010.

#### Dr Hegde

School of International Law, Jawaharlal Nehru University (JNU), Delhi, India: 14 June-5 July.

## The Ethos of Europe: Values, Law and Justice in the EU (Cambridge University Press)

Williams, A. (2010)

Can the EU become a 'just' institution? The Ethos of Europe considers this highly charged political and moral question by examining the role of five salient values said to be influential in the governance and law of the Union: peace, the rule of law, respect for human rights, democracy, and liberty. It assesses each of these as elements of an apparent 'institutional ethos' and philosophy of EU law and finds that justice as a governing ideal has failed to be taken seriously in the EU. To remedy this condition, it proposes a new set of principles upon which justice might be brought more to the fore in the Union's governance. By focusing on the realisation of human rights as a core institutional value, it argues that the EU can better define its moral limits so as to evolve as a more just project.

# 5. Externally-funded Projects

Funder	Title	PI	Awarded on	Awarded Value
<b>Corgi Trust</b>	Survey of Indoor Environment of Student Residential Accommodation in the Private Sector	David Ormandy	06/10/2009	<b>£43,548</b>
<b>European Commission</b>	ALACs-Promotion of Participation and Citizenship in Europe through the "Advocacy and Legal Advice Centres (ALACs)" of Transparency International	Ralf Rogowski	09/03/2010	<b>£27,571</b>
<b>AHRC</b>	Shakespeare's Imaginary Constitution: Late Elizabeth Politics and the Theatre of Law	Paul Raffield	02/02/2010	<b>£21,171</b>
<b>Corgi Trust</b>	Pilot Study of Effectiveness of Campaign(s) on Carbon Monoxide Awareness among Housing Association Residents	David Ormandy	06/10/2009	<b>£15,320</b>
<b>British Academy</b>	Small Grant – The Effect of Legal Status on the Human Rights and Access to Services of Iraqi "Refugees" in Jordan	Dallal Edwina Stevens	12/03/2010	<b>£6,714</b>
<b>British Academy</b>	Small Grant - Ascertaining the Level of Formal Marriage in eighteenth-century Westmorland	Rebecca Jane Probert	26/04/2010	<b>£2,260</b>

# 6. Research Students

There are currently 51 postgraduate students on the MPhil/PhD and 3 students on the LLM. In addition, the Law School has developed an innovative PhD programme with the Justice System and Legal Research Institute of the Ethiopian Government, and in April 2010 welcomed 18 PhD students from Ethiopia for a one-month visit.

## First Year (in most cases – year of entry: 2009)

**Hashim Bata** (Supervisor: Shaheen Ali)

'An Inquiry into the Relationship between Mu'tazilite Theology and Hanafī Jurisprudence.'

**Peter Bridgeman** (Supervisors: Dalvinder Singh & Janice Dean)

'Banking Law'

**Laura Stella Enonchong** (Supervisor: Andrew Williams)

'The Role of State and Non-State Institutions in the Promotion and Protection of Human Rights: The Cameroonian Experience.'

**Agnes Kemuma Mbeche Meroka** (Supervisor: George Meszaros)

'Ethnic Conflict and Women's Land Rights in Kenya.'

**Conrad Nyamutata** (Supervisor: Andrew Williams)

'Coalition Governments as Products of Human Rights Violations: A Critical Study of Zimbabwe and Kenya.'

**Ofinjite Ogaji** (Supervisor: Anthony Cole)

'The Viability of applying ADR in the Resolution of Oil and Gas Conflicts in the Niger Delta Area of Nigeria.'

**Raza Saeed** (Supervisors: Jayan Nayar & George Meszaros)

'Decolonization of Law: Struggles, Possibilities and the Context of Pakistan.'

**Mohamed-Riaz Walji** (Supervisor: Shaheen Ali)

'A Rational Reconstruction of the Islamic Legal Theory: A Pragmatic and Hermeneutical Modification.'

**Zahray Marzieh Zojaji** (Supervisors: Rebecca Probert & Shaheen Ali)

'A Comparative Study of Divorce.'

**James Brockhurst** (LLM by Research) (Supervisors: John Snape & David Salter)

'Tax havens, corporate havens and off-shore trusts. What efforts have been made to regulate these activities and how can governments and the international community accommodate off-shore activities?'

**Mark Lafferty** (LLM by Research) (Supervisor: Ralf Rogowski)

'The Equality Bill: A critical and comparative study of the development of discrimination law in England and Wales and analysis of the proposed socio economic duty of public bodies.'

## Second Year (in most cases – year of entry: 2008)

**Musa Usman Abubakar** (Supervisor: Shaheen Ali)

'Gender and Islamic Criminal Justice: Exploring the Traditional and Modern Interpretive Framework'

**Bolanle Adebola** (Supervisor: Rodrigo Olivares-Caminal)

'A Review of the Corporate Insolvency Law in Nigeria: Proposed Reforms to Support and Emerging Economy'

**Rajnaara Akhtar** (Supervisor: Shaheen Ali)

'Is the Application of the Shariah Laws on Divorce within Shariah Courts/Councils in Britain Compatible with British Human Rights Laws? How can any identified conflicts be resolved?'

**Andrew Cornford** (Supervisor: Victor Tadros)

'Criminalisation and Reckless Wrongdoing'

**Joanne Coysh** (Supervisors: Andrew Williams & Roger Burridge)

'The Impact of Programs Using Transformative Learning in Human Rights Education'

**Sara Louise Khabazian** (Supervisor: Kathryn McMahon)

'Regulating Competition in Communications for the Preservation of Media Pluralism in a Digital Environment'

**Helen Kijo Bisimba** (Supervisors: Ann Stewart & Abdul Paliwala)

'Vulnerability within Vulnerable: Legal Mechanism for Protection of Children in Extreme Hardship – A Case of Orphans Heading Households in Tanzania'

**Chuan Chi Kuo** (Supervisor: Abdul Paliwala)  
'Multi-Layered Regulation of Phishing Attacks – A Taiwan Case Study'

**Yanjie Li** (Supervisor: Janice Dean)  
'Corporate Social Responsibility'

**Zijin Li** (Supervisor: Istvan Pogany)  
'Discrimination in Education: The Case of Exclusion in Education on the Basis of Hepatitis B Virus'

**Thomas Perroud** (Supervisor: John McEldowney)  
'Comparative Aspects of Regulation in France and England: A Case Study of Compliance, Enforcement and Adjudication in Public Utilities'

**Naveed Ahmed** (Supervisor: Abdul Paliwala)  
'The Effects of the Structural Adjustment Policies and The World Bank and IMF on Economic, Social and Cultural Rights: Case Study of Pakistan'

### **Third Year (in most cases – year of entry: 2007)**

**Shabaz Cheema** (Supervisor: Shaheen Ali)  
'Women Empowerment and Implications of Implementation of Cedaw in Pakistan'

**Rujirat Chittanonda** (Supervisor: Julio Faundez)  
'The Spaghetti Bowl and its Status under Thai Law'

**Michanne Vonetta Haynes-Prempeh** (Supervisor: Julio Faundez)  
'Multinationalising Regionalism: Is this the way to inject a development agenda into the WTO?'

**Monica Kirya** (Supervisors: Abdul Paliwala & Andrew Williams)  
'The Role of Commissions of Inquiry in Promoting Transparency and Accountability in the Government of Uganda'

**Zahra Maranlou** (Supervisor: Shaheen Ali)  
'Legal Citizenship Building for Greater Access to Justice in Islamic Republic of Iran'

**Aleksandra Musieluk** (Supervisor: Andrew Williams)

'European Union's accession to the European Convention on Human Rights as a viable alternative to building its own system for the production of Human Rights'

**Sharifah Sekalala** (Supervisors: Octavio Ferraz & Julio Faundez)  
'A Critical Analysis into whether the United Nations use of soft law in addressing HIV/AIDS issues had redefined the right to health'

**Rao Raza Hashim** (Supervisors: Rodrigo Olivares-Caminal & Julio Faundez)  
'How Does General Agreement on Trade and Services (GATS) Govern Multilateral Trade in Financial Services?'

**Nathan Tuimising** (Supervisor: Dalvinder Singh)  
'Infrastructure Funds for Private Equity'

**Liviu Titus Damsa** (LLM) (Supervisor: Istvan Pogany)  
'Judicial Review through Transition waters: Contributions to a Theory of Courts in Central and Eastern Europe'

### **Fourth Year (in most cases – year of entry: 2006)**

**Fatima Al Matar** (Supervisor: David Salter)  
'How a New System of Indirect Taxation will Benefit and Flourish the Economy of the State of Kuwait'

**Abou Jeng** (Awaiting Viva) (Supervisor: Andrew Williams)  
'Rethinking International Law in the context of postcolonial Africa'

**Anna Leigh Farmer** (part time) (Supervisors: Victor Tadros & Dallal Stevens)  
'Moral Conscience and Asylum Seekers'

**Anna Varghese Puthuran** (Supervisors: Reena Patel & Ann Stewart)  
'The Indian Protection of Women from Domestic Violence Act 2005 and its Implications on Intimate Partnerships Outside Wedlock-A Feminist Legal Critique'

**Essa Al-Nassr** (Supervisor: Lorraine Talbot)  
'Corporate Governance on Government Owned Corporations: A Case Study of Qatar'

**Yazan Haddadin** (Supervisor: William O'Brian & Tony Cole)  
'International Commercial Arbitration of Foreign Investments and the Nature of Investment Disputes'

**Masha Baraza** (Supervisor: Abdul Paliwala)  
(Jan 2007 start)  
'Postmodern Legality and the Kenyan Postcolony: An Encounter with Group Conflict in North Western Kenya'

**Stephanie Lehnert** (part-time) (Supervisor: Ralf Rogowski)  
'Comparative analysis of the Implementation of Anti-Race Discrimination Policies in the EU'

**Dorothy Kwagagala-Igaga** (part time) (Supervisor: David Salter)  
'Corporate Taxation For a Developing Economy: A Case For Reform in Uganda'

## **Fifth Year (in most cases - year of entry: 2005)**

**Karim Khan Agha** (Supervisor: Shaheen Ali)  
'Law of Necessity'

**Chukwudiebube Bede Abraham Opata** (Supervisor: John McEldowney)  
'The Law and Policy on Pro-Competition regulation of Communications Law in Nigeria'

**Dong Yan** (Supervisor: Alan Neal)  
'The ambiguous status of Chinese Rural Migrant Workers'

## **Completed PhDs**

**Kamal Javadi Dogaheh** (Supervisor: Julio Faundez)  
'Integrating Energy into the World Trading System: Law and Policy'

**Toni Wang** (Supervisor: Roger Leng)  
'Research Study on Fraud'

**Dr Giuseppe La Barca** (Supervisor: Julio Faundez)  
'Subsidies and Countervailing Measures Under the GATT & WTO and in US Law and Practise'

**Ngeyi Ruth Kanyongolo** (Supervisors: Ann Stewart and Linda Luckhaus)  
'Social Security Law and exclusion of women in Malawi: A gendered perspective'

**Alhaji Mamman Lawan** (Supervisor: Shaheen Ali and Andrew Williams)  
'The Paradox of Underdevelopment Amidst Oil in Nigeria: Rule of Law as a Missing Ideal'

**Jon Edward Yorke** (Supervisor: Sam Adelman)  
'United States Observance of the Human Rights and International Law: The Case of the Death Penalty'

**Lisa Shamseldin** (Supervisor: Dallal Stevens and Judith Masson)  
'A Study Of The Implementation Of The United Nations Convention On The Rights Of The Child 1989: The Care And Protection Of Unaccompanied Asylum Seeking Children In England, Ireland And Sweden'

**Kyriaki Mavrommati** (Supervisor: Janice Dean)  
'A contribution to the study of corporate governance in the context of the Greek legal order'

**Chikosa Silungwe** (Abdul Paliwala and George Meszaros)  
'Land Tenure Reform in Postcolonial States: Evidence from Malawi'

**Tawanda Hondora** (awaiting viva) (Supervisor: Jorge Guira)  
'Accessing Development and Expansion Finance: Asset Backed Securitization in the South African Development Community'

## **Completed LLM by Research**

**Rachel Easter** (Supervisor: Andrew Choo)  
'Anonymous witnesses in criminal proceedings'

**Nicola Kearney** (Supervisor: John McEldowney)  
'GMOs in the Context of EU Regulation and their impact on the Common Market'

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# 8. Warwick Working Papers

Warwick's research paper series with the Social Science Research Network (SSRN) is part of a strategy to showcase some of the important work undertaken here and to bring it to the attention of a wider audience. It was launched in November 2009 under the guidance of Ralf Rogowski, Lorraine Talbot and Dwijen Rangnekar. Since then around 20,000 people have looked at papers from the site and 4,945 papers have been downloaded.

All new papers are distributed through Warwick's ejournal to its 5,000 subscribers. A new volume is distributed every 8 weeks. The site is designed to enable a wider and more international conversation with other scholars. It has facilitated a number of contacts with academics and policy makers resulting in new publications, future collaborations, invitations to conferences, exchange of information and advice. It is open to all academic members of the law school to submit their work and is accessible free to all users.

There are currently 114 papers on the site. This includes both previously-published chapters and articles and also working papers. The working paper series offers an opportunity to make material publicly available more quickly than is possible through conventional channels. It also enables individuals to put forward draft papers for comment and feedback, and a number of colleagues have commented on how useful this has been in refining and developing their arguments.

A full list of all papers published on SSRN by members of the Law School is available at <http://www.ssrn.com/link/U-Warwick-LEG.html>. The following is a list of those papers submitted as working papers since November 2009:

- Adelman, S.** (2010) 'The Unexceptional Exception: Sovereignty, Human Rights and Biopolitics' *Warwick School of Law Research Paper No. 2009/09*, 11 January 2010.
- Faundez, J.** (2009) 'International Economic Law and Development Before and After Neo-Liberalism' *Warwick School of Law Research Paper No. 2009/01*, 4 November 2009.
- Hodgson, J.** (2009) 'Recent Reforms in Pre-Trial Procedure in England and Wales' *Warwick School of Law Research Paper No. 2009/02*, 28 October 2009.
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## **Legal Aspects of Sovereign Debt Restructuring (Sweet & Maxwell)**

Olivares-Caminal, R. (2009)

Legal Aspects of Sovereign Debt Restructuring provides a thorough examination of the current debate on sovereign debt restructurings, mechanisms and techniques. It looks at the current decentralised market-oriented approach, and compares this to other alternative methods. With many countries currently at risk of defaulting on their debt, the process of sovereign debt restructuring is an increasingly topical issue. With limited examples in practice and a minimalistic legal framework at best, coming to an amenable consensus between parties can be arduous.

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